

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Civil Action No. 08-835 JNE/JJG

The Coalition to March on the RNC,
and Stop the War,

Plaintiff,

v.

The City of Saint Paul, Minnesota,
Mayor Chris Coleman, Saint Paul Police
Chief John M. Harrington, Assistant Saint
Paul Police Chief Matthew D. Bostrom,

Defendants.

ORDER

WHEREAS on March 24, 2008, plaintiff The Coalition to March on the RNC, and Stop the War (the “Coalition”), brought this action challenging the constitutionality of certain actions of defendants The City of Saint Paul, Minnesota, Mayor Chris Coleman, Saint Paul Police Chief John M. Harrington, Assistant Saint Paul Police Chief Matthew D. Bostrom (“Defendants”); and

WHEREAS on March 24, 2008, the Coalition moved this Court for injunctive relief seeking, *inter alia*, that the Court: (1) order Defendants to grant the Coalition’s November 1, 2007 permit application for the September 1, 2008 March; and (2) enjoin enforcement of the “Guidelines Regarding Issuance of Permits to Conduct Parades Pursuant to Section 366A of the St. Paul Legislative Code in Certain Areas of the City of

St. Paul, Minnesota on September 1, 2008" to the extent such enforcement is inconsistent with the Legislative Code of St. Paul or the United States Constitution; and

WHEREAS on April 14, 2008, the Defendants filed an Answer to the Coalition's Complaint, wherein they denied, *inter alia*: (1) having violated the Coalition's constitutionally protected free speech activity, and (2) that the enforcement of the Guidelines was inconsistent with the Legislative Code of St. Paul or the United States Constitution; and

WHEREAS on April 25, 2008, the Defendants filed a Memorandum of Law in Opposition to Plaintiff's Motion for Preliminary Injunction, requesting that the Court deny the relief requested in the Coalition's Motion for Preliminary Injunction in all respects; and

WHEREAS on May 5, 2008, the Coalition filed a Reply Memorandum in Support of the Motion for a Preliminary Injunction; and

WHEREAS the hearing on the Coalition's Motion for Preliminary Injunction is scheduled before this Court at 2:00 p.m. on May 16, 2008; and

WHEREAS on May 14, 2008, counsel for the Defendants represented to the Coalition that the Guidelines are no longer "necessary or applicable"; and

WHEREAS on May 14, 2008, the Department of Police for the City of St. Paul issued an Alternate Permit, Permit Number 08-121, to the Coalition, authorizing it to conduct certain activities on September 1, 2008, as described therein; and

WHEREAS the Coalition is in the process of evaluating the terms and conditions of the Alternate Permit, and working with the Defendants to address legal and logistical issues that may be raised thereby; and

WHEREAS the parties wish amicably to resolve any remaining First Amendment issues specifically raised in the Coalition's Motion for Preliminary Injunction without the necessity of further litigation;

The Coalition and Defendants and each of them hereby agree, stipulate, and request that this Court order that:

1. The Guidelines are declared null and void, and shall have no force or effect, whatsoever.
2. The Defendants shall remove the Guidelines from the City of St. Paul's website.
3. Notwithstanding paragraphs 1 and 2, the Defendants shall honor the commitment set forth in paragraph 4.A of the Guidelines not to charge the Coalition for the payment of any costs (*e.g.*, costs for security, liability insurance, cleanup) otherwise allowed to be charged to the Coalition pursuant to Chapter 366A of the Code, other than the permit application fees specified by Section 366A.05(a).
4. Notwithstanding paragraphs 1 and 2, the Defendants shall honor the commitment set forth in paragraph 4.C of the Guidelines to make appropriate toilet facilities, including toilet facilities accessible to people with disabilities, available in the March Staging Area and along the March Route set forth in the Alternate Permit.

5. Notwithstanding paragraphs 1 and 2, the Coalition shall make reasonable efforts to minimize trash in the March Staging Area and along the March Route set forth in the Alternate Permit.

6. In light of the foregoing, the hearing on the Coalition's Motion for Preliminary Injunction scheduled before this Court on May 16, 2008, at 2:00 p.m. is no longer necessary, and is hereby cancelled and removed from the Court's calendar.

IT IS SO ORDERED.

Dated: May 16, 2008.

s/ Joan N. Ericksen

Joan N. Ericksen, Judge
United States District Court